

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15397 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- NATIONAL HIGHWAY District-
Samastipur

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Amlash Kumar @ Pandit Son of Birju Mahto @ Virju Mahto Resident of
Village- Morwa Haat, Police Station- Tajpur District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
National Highway Bangara P.S. Case No. 178 of 2023 instituted
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act.

3. Prosecution case relates to recovery of total 53.730
litres of foreign liquor from the motorcycle bearing Reg. No.
BR33B 0245. The petitioner was arrested on spot while one
other co-accused managed to escape.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. He has no concern with the alleged recovery of liquor or with the alleged motorcycle. Nothing incriminating article has been recovered from his conscious possession. Petitioner is languishing in judicial custody since 26.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as period of custody of the petitioner, this Court is inclined to enlarge the petitioner on bail, let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Court of learned Special Judge, Excise Court-I, Samastipur in connection with National Highway Bangara P.S. Case No. 178 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioner shall be released on



bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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